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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/827,679	04/05/2001	Richard E. McNutt	ODS-31	6749
1473	7590	10/17/2003	EXAMINER	
FISH & NEAVE 1251 AVENUE OF THE AMERICAS 50TH FLOOR NEW YORK, NY 10020-1105			JONES, SCOTT E	
			ART UNIT	PAPER NUMBER
			3713	
			DATE MAILED: 10/17/2003	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/827,679

Applicant(s)

MCNUTT ET AL.

Examiner

Scott E. Jones

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-79 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-79 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 4/5/01 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Response to Amendment

1. This office action is in response to the amendment filed on July 30, 2003 in which applicant amends claims 1, 2, 6, 8, 12-14, 16, 17, 21, 23, 27, and 29; adds claims 34-79; and responds to the claim rejections. Claims 1-79 are pending.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 12, 27, 36-39, 54, 56-57, 72, and 74-75 are rejected under 35 U.S.C. 102(e) as being anticipated by Alcorn et al. (U.S. 6,104,815).

Alcorn et al. discloses a method and apparatus that uses GPS and/or “set-top-box” technology to restrict gaming based on a geographical location. Alcorn et al. additionally discloses:

Regarding Claims 12, 54, and 72:

- using an integrated receiver decoder to receive blackout information, wherein blackout information indicates geographic regions that prohibit wagering; (Figure 5, Column 7, lines 8-31, and Column 8, lines 26-41); The examiner interprets blackout information to be the geographical locations that wagering is not permitted.

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- obtaining location information that indicates geographic location the user equipment is located (Figures 1-9, and Column 3, line 53-Column 4, line 12, Column 5, lines 1-25, and Column 6, line 40-Column 7, line 31); and
- comparing the blackout information and the location information at the user equipment to determine whether the user equipment is located in a geographic location where wagering is allowed based on the blackout information (Figures 1-9, and Column 3, line 53-Column 4, line 12, Column 5, lines 1-25, Column 6, line 40-Column 7, line 31, and Column 8, lines 26-41). The examiner interprets blackout information to be the geographical locations that wagering is not permitted.

Regarding Claim 27:

- use an integrated receiver decoder to receive blackout information (Figure 5, Column 7, lines 8-31, and Column 8, lines 26-41); The examiner interprets blackout information to be the geographical locations that wagering is not permitted.
- obtain location information that indicates geographic location the user equipment is located equipment (Figures 1-9, and Column 3, line 53-Column 4, line 12, Column 5, lines 1-25, and Column 6, line 40-Column 7, line 31); and
- compare the blackout information and the location information at the user equipment to determine whether the user equipment is located in a geographic location where wagering is allowed (Figures 1-9, and Column 3, line 53-Column 4, line 12, Column 5, lines 1-25, and Column 6, line 40-Column 7, line 31). The examiner interprets blackout information to be the geographical locations that wagering is not permitted.

Regarding Claims 36, 38, 56, and 74:

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- restricting wagering access when the user equipment is determined to be in a location where wagering is not allowed (Figures 1-9, and Column 3, line 53-Column 4, line 12, Column 5, lines 1-25, and Column 6, line 40-Column 7, line 31).

Regarding Claims 37, 39, 57, and 75:

- the location information is obtained from a global positioning satellite (Figure 1 and Column 3, line 40-Column 4, line 22).

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-2, 4-11, 14-17, 19-26, 28-35, 40-41, 43-53, 58-59, 61-71, and 76-79 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paravia et al. (U.S. 6,508,710).

Paravia discloses an interactive gaming system that uses a location verification system to determine if a player is in a geographical location that allows wagering. If wagering is allowed, the player is allowed to submit wagering information; otherwise, the player is notified and not allowed to wager. Paravia additionally discloses:

Regarding Claims 1, 40, 51-53, 58, and 69-71:

- determining a geographic location of the user equipment (Abstract, Figures 11, 12, and 15, Column 3, lines 11-55, Column 7, lines 38-46, Column 8, lines 12-26, and Column 18, line 8-Column 22, line 40);

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- checking whether wagering is allowed in the geographic location of the user equipment (Abstract, Figures 11, 12, and 15, Column 3, lines 11-55, Column 7, lines 38-46, Column 8, lines 12-26, and Column 18, line 8-Column 22, line 40); and
- restricting wagering access when wagering is not allowed in the geographic location of the user equipment (Abstract, Figures 11, 12, and 15, Column 3, lines 11-55, Column 7, lines 38-46, Column 8, lines 12-26, and Column 18, line 8-Column 22, line 40) .

Regarding Claims 2, 41, and 59:

- providing wagering access when wagering is allowed in the geographic location of the user equipment (Abstract, Figures 11, 12, and 15, Column 3, lines 11-55, Column 7, lines 38-46, Column 8, lines 12-26, and Column 18, line 8-Column 22, line 40).

Regarding Claims 4, 43, and 61:

- determining the geographic location of the user equipment comprises using automatic number identification on a telephone network (Column 19, lines 31-35).

Regarding Claims 5, 44, and 62:

- determining in which geographic locations wagering is not allowed (Abstract, Figures 11, 12, and 15, Column 3, lines 11-55, Column 7, lines 38-46, Column 8, lines 12-26, and Column 18, line 8-Column 22, line 40) ; and
- comparing the geographic location of the user equipment with the geographic locations in which wagering is not allowed (Abstract, Figures 11, 12, and 15, Column 3, lines 11-55, Column 7, lines 38-46, Column 8, lines 12-26, and Column 18, line 8-Column 22, line 40) .

Regarding Claims 6, 45, and 63:

- using an interactive wagering system and a location tracing service to analyze automatic number identification information obtained from having the user equipment establish a communications link using a telephone network (Column 19, lines 31-35).

Regarding Claim 7:

- using a component selected from a group consisting of a transaction processing and subscription management system, totalisators, a subscription verification facility, and any combination thereof (Abstract, Figures 11, 12, and 15, Column 3, lines 11-55, Column 7, lines 38-46, Column 8, lines 12-26, and Column 18, line 8-Column 22, line 40).

Regarding Claims 9, 47, and 65:

- providing a user with the ability to set user-defined wagering access restrictions (Column 2, lines 13-24, and Column 8, lines 37-54); and
- restricting wagering access based on the user-defined wagering access restrictions (Column 2, lines 13-24, and Column 8, lines 37-54).

Regarding Claims 10, 48, and 66:

- performing a function selected from a group consisting of changing the appearance of wagering options in an interface, removing wagering options from an interface, displaying a message when a wagering option is selected from an interface, suppressing wager-related indicators from appearing on a display, suppressing a wagering event broadcast from being displayed, or any combination thereof

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(Abstract, Figures 11, 12, and 15, Column 3, lines 11-55, Column 7, lines 38-46, Column 8, lines 12-26, and Column 18, line 8-Column 22, line 40).

Regarding Claims 11, 49, and 67:

- receiving blackout information at the user equipment (Abstract, Figures 11, 12, and 15, Column 3, lines 11-55, Column 7, lines 38-46, Column 8, lines 12-26, and Column 18, line 8-Column 22, line 40); and
- determining whether wagering is allowed based on the geographic location of the user equipment and on the blackout information (Abstract, Figures 11, 12, and 15, Column 3, lines 11-55, Column 7, lines 38-46, Column 8, lines 12-26, and Column 18, line 8-Column 22, line 40) .

Regarding Claims 14 and 76:

- determining in which geographic location the user equipment is located (Abstract, Figures 11, 12, and 15, Column 3, lines 11-55, Column 7, lines 38-46, Column 8, lines 12-26, and Column 18, line 8-Column 22, line 40).

Regarding Claims 15 and 77:

- determining in which geographic location the user equipment is located comprises using the interactive wagering system and a location tracing service to analyze automatic number identification information obtained from having the user equipment establish a communications link using a telephone network (Abstract, Figures 11, 12, and 15, Column 3, lines 11-55, Column 7, lines 38-46, Column 8, lines 12-26, and Column 18, line 8-Column 22, line 40).

Regarding Claim 16:

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- determine a geographic location of the user equipment (Abstract, Figures 11, 12, and 15, Column 3, lines 11-55, Column 7, lines 38-46, Column 8, lines 12-26, and Column 18, line 8-Column 22, line 40);
- check whether wagering is allowed in the geographic location of the user equipment (Abstract, Figures 11, 12, and 15, Column 3, lines 11-55, Column 7, lines 38-46, Column 8, lines 12-26, and Column 18, line 8-Column 22, line 40); and
- restrict wagering access when wagering is not allowed in the geographic location of the user equipment (Abstract, Figures 11, 12, and 15, Column 3, lines 11-55, Column 7, lines 38-46, Column 8, lines 12-26, and Column 18, line 8-Column 22, line 40).

Regarding Claim 19:

- a telephone network having automatic number identification functionality that is used to determine the geographic location of the user equipment (Column 19, lines 31-35).

Regarding Claim 20:

- determine in which geographic locations wagering is not allowed (Abstract, Figures 11, 12, and 15, Column 3, lines 11-55, Column 7, lines 38-46, Column 8, lines 12-26, and Column 18, line 8-Column 22, line 40); and
- compare the geographic location of the user equipment with the geographic locations in which wagering is not allowed (Abstract, Figures 11, 12, and 15, Column 3, lines 11-55, Column 7, lines 38-46, Column 8, lines 12-26, and Column 18, line 8-Column 22, line 40) .

Regarding Claim 21:

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- use the interactive wagering system and a location tracing service to analyze automatic number identification information obtained from having the user equipment establish a communications link using a telephone network (Abstract, Figures 11, 12, and 15, Column 3, lines 11-55, Column 7, lines 38-46, Column 8, lines 12-26, and Column 18, line 8-Column 22, line 40).

Regarding Claim 22:

- the interactive wagering system is comprised of a component selected from a group consisting of a transaction processing and subscription management system, totalisators, a subscription verification facility, user equipment, and any combination thereof (Abstract, Figures 11, 12, and 15, Column 3, lines 11-55, Column 7, lines 38-46, Column 8, lines 12-26, and Column 18, line 8-Column 22, line 40).

Regarding Claim 24:

- provide a user with the ability to set user-defined wagering access restrictions (Column 2, lines 13-24, and Column 8, lines 37-54); and
- restrict wagering access based on the user-defined wagering access restrictions (Column 2, lines 13-24, and Column 8, lines 37-54).

Regarding Claim 25:

- wherein the user equipment is configured to perform a function selected from a group consisting of changing the appearance of wagering options in an interface, removing wagering options from an interface, displaying a message when a wagering option is selected from an interface, suppressing wager-related indicators from appearing on a display, suppressing a wagering event broadcast from being displayed, or any

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combination thereof (Abstract, Figures 11, 12, and 15, Column 3, lines 11-55, Column 7, lines 38-46, Column 8, lines 12-26, and Column 18, line 8-Column 22, line 40).

Regarding Claim 26:

- receive blackout information (Abstract, Figures 11, 12, and 15, Column 3, lines 11-55, Column 7, lines 38-46, Column 8, lines 12-26, and Column 18, line 8-Column 22, line 40); and
- determine whether wagering is allowed based on the geographic location of the user equipment and on the blackout information (Abstract, Figures 11, 12, and 15, Column 3, lines 11-55, Column 7, lines 38-46, Column 8, lines 12-26, and Column 18, line 8-Column 22, line 40).

Regarding Claim 28:

- further comprising a location tracing service to analyze automatic number identification information obtained from having the user equipment establish a communications link using a telephone network (Column 19, lines 31-35).

Regarding Claims 29 and 78:

- determine in which geographic location the user equipment is located (Abstract, Figures 11, 12, and 15, Column 3, lines 11-55, Column 7, lines 38-46, Column 8, lines 12-26, and Column 18, line 8-Column 22, line 40); and
- provide the user equipment with a location verification token, wherein the location verification token is provided by an interactive wagering system, and wherein the location verification token is provided when the user equipment is located at a

location where wagering is allowed (Column 7, lines 38-46, and Column 21, line 14-Column 22, line 41).

Regarding Claims 30 and 79:

- further comprising a location tracing service to analyze automatic number identification information obtained from having the user equipment establish a communications link using a telephone network (Column 19, lines 31-35).

Regarding Claim 31:

- wherein the user equipment is configured to determine the geographic location of the user equipment (Abstract, Figures 11, 12, and 15, Column 3, lines 11-55, Column 7, lines 38-46, Column 8, lines 12-26, and Column 18, line 8-Column 22, line 40).

Regarding Claim 32:

- wherein the user equipment is configured to check whether wagering is allowed in the geographic location of the user equipment (Abstract, Figures 11, 12, and 15, Column 3, lines 11-55, Column 7, lines 38-46, Column 8, lines 12-26, and Column 18, line 8-Column 22, line 40).

Regarding Claim 33:

- wherein the user equipment is configured to restrict wagering access when wagering is not allowed in the geographic location of the user equipment (Abstract, Figures 11, 12, and 15, Column 3, lines 11-55, Column 7, lines 38-46, Column 8, lines 12-26, and Column 18, line 8-Column 22, line 40).

Paravia et al. seems to lack explicitly disclosing:

Regarding Claim 1:

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- providing the user equipment with a location verification token when the user equipment is in a location where wagering is allowed;
- using the interactive wagering application to verify whether the location verification token is valid; and
- restricting wagering access when the user equipment does not have a valid location verification token.

Regarding Claims 8, 23, 34, 35, 46, 50, 64, and 68:

- the location verification token, stored on the user equipment, expires and is removed after a predetermined period of time.

Regarding Claim 14:

- providing the user equipment with a location verification token, wherein the location verification token is provided by an interactive wagering system, and wherein the location verification token is provided when the user equipment is located at a location where wagering is allowed.

Regarding Claim 16:

- provide the user equipment with a location verification token when the user equipment is in a location where wagering is allowed;
- use an interactive wagering application to verify whether the location verification token is valid; and
- restrict wagering access when the user equipment does not have a valid location verification token.

Regarding Claim 17:

- user equipment configured to provide wagering access when the user equipment has the location verification token.

Regarding Claim 29:

- wherein the location verification token is stored on the user equipment; and
- restrict wagering access when the location verification token is not stored on the user equipment.

Regarding claims 1, 14, 16, 17, and 29, Paravia's system uses a location verification module to determine the location of the player and determines, based on the location verification data, whether the player can place wagers. It would have been obvious to one having ordinary skill in the art, at the time of the applicant's invention, to include a "cookie" on a player's gaming device, such as a computer, to recognize where the (IP address or otherwise) from which the player is accessing the system and to identify the particular player. One would be motivated to place a "cookie" on a player's machine so the player can bypass the entry screen to put the player directly into the system, or to provide the entry screen with the appropriate user name and requesting only password information to facilitate the login process to the wagering system.

Regarding claims 8, 23, 34, 35, 46, 50, 64, and 68 it would have been obvious at the time of applicant's invention to have the location verification token (cookie) on a player's machine expire. An expiration date or time is one of the parameters that is configured when creating a cookie. A cookie can expire and then be removed at the end of a session, end of a week, or any other suitable time implemented by a programmer.

6. Claims 13, 55, and 73 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alcorn et al. (U.S. 6,104,815) in view of Paravia et al. (U.S. 6,508,710).

Alcorn et al. discloses that as discussed above regarding claims 12, 27, 36-39, 54, 56-57, 72, and 74-75. Alcorn et al. seems to lack explicitly disclosing:

Regarding Claims 13, 55, and 73:

- the location information is obtained by a location tracing service that analyzes automatic number identification information obtained from having the user equipment establish a communications link using a telephone network.

Paravia et al. teaches of an interactive gaming system that uses a location verification system to determine if a player is in a geographical location that allows wagering. If wagering is allowed, the player is allowed to submit wagering information; otherwise, the player is notified and not allowed to wager. Paravia et al., like Alcorn et al., uses technology to restrict gaming based on a geographical location. Paravia et al. teaches:

Regarding Claims 13, 55, and 73:

- the location information is obtained by a location tracing service that analyzes automatic number identification information obtained from having the user equipment establish a communications link using a telephone network (Column 19, lines 31-35).

It would have been obvious to one having ordinary skill in the art, at the time of the applicant's invention, to utilize Paravia's location tracing service technology in Alcorn's system to determine a player's physical location. One would be motivated to do so because it facilitates denial of gambling or other transactional privileges to those who are resident at locations or in jurisdictions that would make such transactions illegal.

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7. Claims 3, 18, 42, and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paravia et al. (U.S. 6,508,710) in view of Alcorn et al. (U.S. 6,104,815).

Paravia et al. teaches that as discussed above regarding Claims 1-2, 4-11, 14-17, 19-26, 28-35, 40-41, 43-53, 58-59, 61-71, and 76-79. However, Paravia et al. lacks explicitly disclosing:

Regarding Claims 3, 18, 42, and 60:

- further comprising a global positioning satellite system to determine the location of the user equipment.

Alcorn et al. teaches of a method and apparatus that uses GPS and/or “set-top-box” technology to restrict gaming based on a geographical location. Alcorn et al., like Paravia et al., uses technology to restrict gaming based on a geographical location. Alcorn et al. teaches:

Regarding Claims 3, 18, 42, and 60:

- further comprising a global positioning satellite system to determine the location of the user equipment (Figures 1-9, and Column 3, line 53-Column 4, line 12, Column 5, lines 1-25, and Column 6, line 40-Column 7, line 30).

It would have been obvious to one having ordinary skill in the art, at the time of the applicant’s invention, to utilize Alcorn’s GPS and/or “set-top-box” technology in Paravia’s system to determine a player’s physical location and blackout information. One would be motivated to do so because it facilitates denial of gambling or other transactional privileges to those who are resident at locations or in jurisdictions that would make such transactions illegal.

Response to Arguments

8. Applicant's arguments with respect to claims 1-33 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Montulli '670, Walker et al. '670, and Wagner teach of using cookies in network based applications.

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott E. Jones whose telephone number is (703) 308-7133. The examiner can normally be reached on Monday - Friday, 8:30 A.M. - 5:30 P.M..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teresa Walberg can be reached on (703) 308-1327. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

SEJ
sej

A handwritten signature in black ink, appearing to read 'm u m e l', with a long horizontal stroke extending to the left.

**MICHAEL O'NEILL
PRIMARY EXAMINER**